



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#12

Noted  
10/2/03  
Q

Applicant : Ronald Eyre  
Application No. : 10/079,293  
Filed : February 20, 2002  
Title : METHOD FOR FORMING CUTTING ELEMENTS  
Grp./Div. : 3672  
Examiner : Hoang C. Dang  
Docket No. : 47920/CM/M277

**DECLARATION UNDER 37 C.F.R. § 1.131**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Post Office Box 7068  
Pasadena, CA 91109-7068

Commissioner:

We, Ronald K. Eyre, Madapusi K. Keshavan, and David Truax, declare and state as follows:

1. We believe that we are the original, first and joint inventors of the subject matter described and claimed in U.S. Patent Application Serial No. 10/079,293, filed on February 20, 2002 (the "Application"), which is a continuation of U.S. Patent Application No. 09/693,028, filed on October 20, 2000, which issued on June 18, 2003, as U.S. Patent No. 6,405,814, which is a divisional of U.S. Patent Application No. 09/103,824, filed on June 24, 1998 and now issued as U.S. Patent No. 6,202,772.

2. As shown by the following facts, the invention claimed in the Application was already conceived by us in this country on December 30, 1997, was already reduced to practice on February 12, 1998, and was diligently pursued in a patent application filed on June 24, 1998. The invention described in the Application was originally docketed by the assignee of the Application, Smith International Inc. ("Smith"), as Concept No. 97-ME60 and Concept No. 98-ME8.

3. As can be evidenced by Smith's Memorandum dated June 17, 1997, relating to Concept No. 97-ME60, with attached Disclosure of Invention, true and accurate copies of which are attached hereto as Exhibit A, the invention described in the Application was conceived on May 13, 1997.

4. As shown in a further Smith's Memorandum of February 9, 1998, relating to Concept No. 98-ME8, with attached Disclosure of Invention and inventors' notes, dated December 30, 1997, true and accurate copies of which are attached hereto as Exhibit B, the invention described in the Application was already conceived on December 30, 1997.

**Application No. 10/079,293**

5. Concept No. 97-ME60, attached in Exhibit A, was first docketed by Smith on about June 17, 1997, for the purpose of being pursued in a patent application, and was docketed by our patent attorneys, Christie, Parker & Hale, LLP, for preparation of a patent application on October 29, 1997.

6. Concept No. 98-ME8, described as Exhibit B, was docketed by Smith on February 9, 1998, for the purpose of being pursued in a patent application and forwarded to our patent attorneys for preparation of a patent application.

7. An Engineering Request ("ER") is issued by Smith to produce an experimental product. Once the experimental product is produced and tested, an ER Closure Report is issued closing that Engineering Request.

8. As evidenced by the ER Closure Report dated February 12, 1998, attached hereto as Exhibit C, which was issued to close the production and testing of the inventive cutting elements described and claimed in the Application, the inventive cutting elements were already reduced to practice on February 12, 1998.

9. We diligently worked with our patent attorneys in describing and claiming the subject matter of Concept No. 97-ME60 and Concept No. 98-ME8 in an application which was diligently filed on June 24, 1998 and assigned Serial No. 09/103,824, which is the parent of the Application.

We declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued therefrom.

Date \_\_\_\_\_

By \_\_\_\_\_  
Ronald K. Eyre

Date 7/22/03

By Madapusi K. Keshavan  
Madapusi K. Keshavan

Date 7/22/03

By David Truax  
David Truax